

870421

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF

TUESDAY, APRIL 21, 1987

AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:35 a.m. The Council introduced and welcomed Russian ballet dancer Stanislav Issaev of the State Moscow Ballet Theatre. The meeting was adjourned by Mayor O'Connor at 11:24 a.m.

The meeting was adjourned by the Deputy City Clerk at 2:05 p.m. due to the lack of a quorum.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
 - (1) Council Member Wolfsheimer-present
 - (2) Council Member Cleator-present
 - (3) Council Member McColl-present
 - (4) Council Member Jones-present
 - (5) Council Member Struiksma-excused by R-268216
(City business in Washington, D.C., Maryland, and
Arizona regarding Foreign Trade Zones)
 - (6) Council Member Gotch-present
 - (7) Council Member McCarty-present
 - (8) Council Member Ballesteros-excused by R-268261
(vacation)
- Clerk-Abdelnour (bb;jb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Cleator-present
- (3) Council Member McColl-present
- (4) Council Member Jones-present
- (5) Council Member Struiksma-not present
- (6) Council Member Gotch-present
- (7) Council Member McCarty-present
- (8) Council Member Ballesteros-not present

ITEM-330: (R-87-1796) ADOPTED AS RESOLUTION R-268170

Considering the protests and determining that it is in the public interest to acquire 0.17 acres of Banker's Hill Canyon for the San Diego Open Space Park Facilities District No. 1, under Resolution of Intention R-267904, adopted March 24, 1987; authorizing the expenditure of not to exceed \$125,000 as payment for said property and related costs from Open Space Park District Bond Fund 79104; authorizing the City Manager to accept the deed to said property without further Council action.

(Uptown Community Area. District-8.)

CITY MANAGER REPORT: Banker's Hill Canyon, located in Uptown, extends from Spruce to Redwood along the prior alignment of Albatross Street, which has been vacated. It is adjacent to the City's only pedestrian suspension bridge, which extends from Front to Brant Streets at Spruce. This parcel, at Redwood and Albatross, is the only vacant parcel within the canyon remaining in private ownership. On December 15, 1986, Council approved an acquisition plan for this parcel, along with funds to have it appraised for purposes of acquisition for open space. This request is for \$125,000 to purchase this parcel at fair market value plus funds to cover title, escrow, and other miscellaneous costs.

Aud. Cert. 8700697.

FILE LOCATION: STRT OS-13

COUNCIL ACTION: (Tape location: A054-068.)

Hearing began at 10:37 a.m. and halted at 10:38 a.m.

MOTION BY GOTCH TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-not present, Gotch-yea, McCarty-yea, Ballesteros-not present, Mayor O'Connor-yea.

ITEM-331: (R-87-2345 Rev.1) CONTINUED TO MAY 19, 1987 AT 2:00 P.M.

(Continued from the meetings of 3/10/87, Item 332 (D), at Council Member Wolfsheimer's request, for a report from the Planning Department; and from 4/7/87, Item 339, at Council Member Wolfsheimer's request, to allow her to be present for Council discussion.)

Adoption of a Resolution approving the submittal of a request to the California Coastal Commission for a categorical exclusion of specific geographic areas found to have no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to and along the coast.

FILE LOCATION: LAND Local Coastal Program

COUNCIL ACTION: (Tape location: A069-B108.)

Hearing began at 10:38 a.m. and halted at 11:22 a.m.

Testimony in favor by Rob Whittemore, John Thelan and Nancy A. Lucast.

Testimony in opposition by Lynn Benn and Ron Schneider.

Motion by Wolfsheimer to adopt Alternative No. 3 and refer the issue of trees to the Transportation and Land Use Committee.

Second by Gotch. No vote taken.

MOTION BY GOTCH TO CONTINUE TO MAY 19, 1987 AT 2:00 P.M. IN ORDER FOR A FULL COUNCIL TO BE PRESENT. Second by Jones.

Passed by the following vote Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-not present, Gotch-yea, McCarty-yea, Ballesteros-not present, Mayor O'Connor-yea.

ITEM-332: (O-87-180) INTRODUCED AND ADOPTED AS ORDINANCE
O-16848 (New Series)

Introduction and adoption of an Ordinance amending Ordinance O-16678 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1986-87 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document O-16678-1, as amended and adopted therein, by amending the personnel authorization of Council District 8 (028) by deleting one Council Secretary position and by adding one Council Representative I position; exempting said position from the Classified Service and establishing a salary rate therefor.

(See memorandum from Rich Snapper dated 3/9/87.)

NOTE: See Item 201 on the docket of April 20, 1987.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B109-115.)

Hearing began at 11:23 a.m. and halted at 11:23 a.m.

MOTION BY CLEATOR TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT. Second by Gotch. Passed by the following vote:

Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-not present, Gotch-yea, McCarty-yea, Ballesteros-not present, Mayor O'Connor-yea.

ITEM-333: CONTINUED TO APRIL 28, 1987, AT 10:00 A.M.
(Continued from the meeting of March 17, 1987, Item 336, at Council Member Wolfsheimer's request, to allow interested parties to review the agreement and for proper re-noticing of the item.)

Approval of the proposed Mercy Mira Mesa Development Agreement between the City of San Diego and Genstar Development, Inc.

The proposed development agreement would apply to approximately 415.9 acres in the Mira Mesa and Penasquitos East communities. The development agreement is being proposed to meet a condition placed on an approved tentative subdivision map for the property. The primary purpose of the development agreement is to provide for the funding of public facilities through the owner's participation in the community's public facilities financing plan. The owner would agree to pay its fair share of fees or contribute facilities in lieu of payment as required by the public facilities financing plan for the community. The developer would also provide public improvements, facilities and services as required by the tentative subdivision map. The development agreement would assure the owner that the property could be developed in conformance with the Mira Mesa and Penasquitos East Community Plans; Tentative Map TM-85-0299, Planned Residential Development Permit PRD-85-0299 and Rezoning Case-85-0299; Penasquitos Park View Estates Units 5, 6 and 7 (Final Map Nos. 11657, 11658 and 11659) and Hillside Review Permit HRP-183 and HRP-184; for the 20-year term of the agreement. Additional provisions are included in the draft development agreement.

The property subject to the proposed development agreement is located on the south side of Los Penasquitos Canyon generally between Black Mountain Road and I-15 in the Mira Mesa Community and between Park Village Road and the north side of Los Penasquitos Canyon westerly of Black Mountain Road in the Penasquitos East Community. A brief legal description is as follows: portions of Parcels 1, 2 and 3, Parcel Map PM-12296; Lots 1-193, Penasquitos Park View Estates Unit 5, Map-11657; and portions of Penasquitos Park View Estates Units 6 and 7, Map-11658 and Map-11659. The specific legal description is on file in the City Planning Department.

(Case-87-0069. Districts-1 and 5.)

Subitem-A: (R-87-1745)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-85-0299 has been completed in compliance with the California

Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (O-87-166)

Introduction of an Ordinance approving the development agreement.

Subitem-C: (R-87-)

Adoption of a Resolution containing appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081 in connection with Environmental Impact Report EIR-85-0299.

FILE LOCATION:

Subitems A & C DEVL - Mercy Mira Mesa
Development Agreement;

Subitem B--

COUNCIL ACTION: (Tape location: C001-010.)

NOTE: DUE TO THE ANTICIPATED LACK OF A QUORUM FOR THE P.M. MEETING, THE CITY CLERK WAS DIRECTED BY THE COUNCIL AT THE A.M. MEETING TO CONTINUE ITEM 333 TO TUESDAY, APRIL 28, 1987, AT 10:00 A.M.

ITEM-CS-1: (R-87-1927) ADOPTED AS RESOLUTION R-268171

A Resolution adopted by the City Council in Closed Session on April 21, 1987:

Authorizing the City Manager to pay the sum of \$29,633.12 in settlement of each and every claim against the City, its agents and employees, resulting from the property damage of Eleanor Staetter; authorizing the City Auditor and Comptroller to issue one check in the amount of \$20,466.00 to Soil Engineering Construction, Inc. and one check in the amount of \$5,408.81 to Luth & Turley, Inc. Note: Two checks have already been issued. One in the amount of \$546.00 to Concrete Coring Company and one in the amount of \$3,212.31 to Owen Geotechnical Consultants. This is full settlement of all claims.

FILE LOCATION: MEET

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 11:34 a.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B116-118).

BY COMMON CONSENT THE A.M. MEETING WAS ADJOURNED IN HONOR OF
THE

MEMORY OF ALETHIA CLINTON NUNN.

THE P.M. MEETING WAS ADJOURNED FOR LACK OF A QUORUM AT 2:05 P.M.
City of San Diego